

In determining eligibility to proceed IFP, courts look to the applicant's employment

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status, annual salary, and any property or assets the applicant may possess. See [Schneller v. Prospect Park Nursing & Rehab. Ctr.](#), 2006 WL 1030284, at *1 (E.D.Pa. Apr.18, 2006). In addition to salary from employment, federal courts have considered disability income in assessing whether an applicant can pay court costs without undue hardship. See e.g. [Whatley v. Astrue](#), 2011 WL 5222908 at * 1-2 (N.D.N.Y. Oct. 14, 2011); [Guerra v. Jones](#), 2008 WL 1805823 at * 2 (N.D. N.Y. April 18, 2008).

In this instance, Plaintiff has failed to demonstrate she cannot pay court costs without undue hardship. Plaintiff's IFP Application shows that she received an average of \$14,685 each month in disability, self employment income and public assistance during the past twelve months, which equates to an annual income of \$176,220.00. [ECF No. 2 at PageID #: 19-20](#). She reports monthly expenses in the amount of \$2,295.00, in addition to the \$1,600 she spends each month to support her four children. [Id. at PageID #: 21-22](#). She indicates she owns her own business in which she goes into the homes of disabled clients to help them develop skills to remain in their own homes. [Id. at PageID #: 22](#). She contends that the COVID-19 pandemic has hurt her business as she is unable to go into her clients's homes. [Id.](#) However, in light of the fact Plaintiff reports a monthly income in excess of \$14,000, she has not demonstrated to the Court that she meets the criteria of poverty.

Accordingly, Plaintiff's Application to Proceed *In Forma Pauperis* ([ECF No. 2](#)) is denied. This action is dismissed without prejudice. Plaintiff may reopen this action within thirty days of the date of this Order by first paying the full filing fee of \$405.00 and then filing a Motion to Reopen. The Court will not accept the Motion to Reopen or any other Motion unless

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the full filing fee is first paid. The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

March 5, 2021
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge